

(10) existing technology, in the form of flexible fuel vehicles, allows internal combustion engine cars and trucks to be produced at little or no additional cost, which are capable of operating on conventional gasoline, alcohol fuels, or any combination of such fuels, as availability or cost advantage dictates, providing a platform on which fuels can compete;

(11) the necessary distribution system for such alcohol fuels will not be developed in the United States until a substantial fraction of the vehicles in the United States are capable of operating on such fuels;

(12) the establishment of such a vehicle fleet and distribution system would provide a large market that would mobilize private resources to substantially advance the technology and expand the production of alcohol fuels in the United States and abroad;

(13) the United States has an urgent national security interest to develop alcohol fuels technology, production, and distribution systems as rapidly as possible;

(14) new cars sold in the United States that are equipped with an internal combustion engine should allow for fuel competition by being flexible fuel vehicles, and new diesel cars should be capable of operating on biodiesel; and

(15) such an open fuel standard would help to protect the United States economy from high and volatile oil prices and from the threats caused by global instability, terrorism, and natural disaster.

(C) OPEN FUEL STANDARD FOR TRANSPORTATION.—

(1) IN GENERAL.—Chapter 329 of title 49, United States Code, is amended by adding at the end the following:

“§32920. Open fuel standard for transportation

“(a) DEFINITIONS.—In this section:

“(1) E85.—The term ‘E85’ means a fuel mixture containing 85 percent ethanol and 15 percent gasoline by volume.

“(2) FLEXIBLE FUEL AUTOMOBILE.—The term ‘flexible fuel automobile’ means an automobile that has been warranted by its manufacturer to operate on gasoline, E85, and M85.

“(3) FUEL CHOICE-ENABLING AUTOMOBILE.—The term ‘fuel choice-enabling automobile’ means—

“(A) a flexible fuel automobile; or

“(B) an automobile that has been warranted by its manufacturer to operate on biodiesel.

“(4) LIGHT-DUTY AUTOMOBILE.—The term ‘light-duty automobile’ means—

“(A) a passenger automobile; or

“(B) a non-passenger automobile.

“(5) LIGHT-DUTY AUTOMOBILE MANUFACTURER’S ANNUAL COVERED INVENTORY.—The term ‘light-duty automobile manufacturer’s annual covered inventory’ means the number of light-duty automobiles powered by an internal combustion engine that a manufacturer, during a given calendar year, manufactures in the United States or imports from outside of the United States for sale in the United States.

“(6) M85.—The term ‘M85’ means a fuel mixture containing 85 percent methanol and 15 percent gasoline by volume.

“(b) OPEN FUEL STANDARD FOR TRANSPORTATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), each light-duty automobile manufacturer’s annual covered inventory shall be comprised of—

“(A) not less than 50 percent fuel choice-enabling automobiles in 2012, 2013, and 2014; and

“(B) not less than 80 percent fuel choice-enabling automobiles in 2015, and in each subsequent year.

“(2) TEMPORARY EXEMPTION FROM REQUIREMENTS.—

“(A) APPLICATION.—A manufacturer may request an exemption from the requirement described in paragraph (1) by submitting an application to the Secretary, at such time, in such manner, and containing such information as the Secretary may require by regulation. Each such application shall specify the models, lines, and types of automobiles affected.

“(B) EVALUATION.—After evaluating an application received from a manufacturer, the Secretary may at any time, under such terms and conditions, and to such extent as the Secretary considers appropriate, temporarily exempt, or renew the exemption of, a light-duty automobile from the requirement described in paragraph (1) if the Secretary determines that unavoidable events that are not under the control of the manufacturer prevent the manufacturer of such automobile from meeting its required production volume of fuel choice-enabling automobiles, including—

“(i) a disruption in the supply of any component required for compliance with the regulations;

“(ii) a disruption in the use and installation by the manufacturer of such component; or

“(iii) the failure for plug-in hybrid electric automobiles to meet State air quality requirements as a result of the requirement described in paragraph (1).

“(C) CONSOLIDATION.—The Secretary may consolidate applications received from multiple manufacturers under subparagraph (A) if they are of a similar nature.

“(D) CONDITIONS.—Any exemption granted under subparagraph (B) shall be conditioned upon the manufacturer’s commitment to recall the exempted automobiles for installation of the omitted components within a reasonable time proposed by the manufacturer and approved by the Secretary after such components become available in sufficient quantities to satisfy both anticipated production and recall volume requirements.

“(E) NOTICE.—The Secretary shall publish in the Federal Register—

“(i) notice of each application received from a manufacturer;

“(ii) notice of each decision to grant or deny a temporary exemption; and

“(iii) the reasons for granting or denying such exemptions.

“(C) LIMITED LIABILITY PROTECTION FOR RENEWABLE FUEL AND ETHANOL MANUFACTURE, USE, OR DISTRIBUTION.—

(1) IN GENERAL.—Notwithstanding any other provision of Federal or State law, any fuel containing ethanol or a renewable fuel (as defined in section 211(o)(1) of the Clean Air Act) that is used or intended to be used to operate an internal combustion engine shall not be deemed to be a defective product or subject to a failure to warn due to such ethanol or renewable fuel content unless such fuel violates a control or prohibition imposed by the Administrator under section 211 of the Clean Air Act (42 U.S.C. 7545).

(2) SAVINGS PROVISION.—Nothing in this subsection may be construed to affect the liability of any person other than liability based upon a claim of defective product and failure to warn described in paragraph (1).

“(d) RULEMAKING.—Not later than 1 year after the date of the enactment of this section, the Secretary of Transportation shall promulgate regulations to carry out this section.”.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 329 of title 49, United States Code, is amended by adding at the end the following:

“§32920. Open fuel standard for transportation.”.

SA 3638. Ms. COLLINS proposed an amendment to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); as follows:

At the end of section 1003, add the following:

(e) UNEMPLOYED INDIVIDUAL NOT TAKEN INTO ACCOUNT.—Paragraph (5) of section 4980H(d) of the Internal Revenue Code of 1986, as added by the Patient Protection and Affordable Care Act, is amended by adding at the end the following new subparagraph:

“(C) EXCEPTION FOR PREVIOUSLY UNEMPLOYED INDIVIDUALS.—

“(i) IN GENERAL.—The term ‘full-time employee’ shall not include any individual who certifies by signed affidavit, under penalties of perjury, that such individual has not been employed from more than 40 hours during the 60-day period ending on the date such individual begins such employment.

“(ii) EXCEPTION FOR REPLACEMENT WORKERS.—Clause (i) shall not apply to an individual who is employed by the employer to replace another employee of such employer unless such other employee separated from employment voluntarily or for cause.”.

SA 3639. Mr. THUNE proposed an amendment to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); as follows:

Beginning on page 123, strike line 10 and all that follows through page 124, line 10, and insert the following:

SEC. 2201. TERMINATION OF FEDERAL FAMILY EDUCATION LOAN APPROPRIATIONS.

Section 421 (20 U.S.C. 1071) is amended—

(1) in subsection (b), in the first sentence of the matter following paragraph (6), by inserting “, except that no sums may be expended after June 30, 2010, with respect to loans under this part for which the first disbursement is after such date if the Secretary certifies that no State will experience a net job loss as a result of the enactment of the SAFRA Act” after “expended”; and

(2) by adding at the end the following new subsection:

“(d) TERMINATION OF AUTHORITY TO MAKE OR INSURE NEW LOANS.—Notwithstanding paragraphs (1) through (6) of subsection (b) or any other provision of law—

“(1) no new loans (including consolidation loans) may be made or insured under this part after June 30, 2010 if the Secretary certifies that no State will experience a net job loss as a result of the enactment of the SAFRA Act; and

“(2) no funds are authorized to be appropriated, or may be expended, under this Act or any other Act to make or insure loans under this part (including consolidation loans) for which the first disbursement is after June 30, 2010 if the Secretary certifies that no State will experience a net job loss as a result of the enactment of the SAFRA Act,

except as expressly authorized by an Act of Congress enacted after the date of enactment of the SAFRA Act.”.

SA 3640. Mr. THUNE (for himself, Mr. COBURN, and Mr. CRAPO) proposed an amendment to the bill H.R. 4872, to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); as follows:

At the end of subtitle B of title II, add the following: